

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

KEVIN CLARKE, TREVOR BOECKMANN,  
HARRY CRANE, CORWIN SMIDT,  
PREDICT IT, INC., ARISTOTLE  
INTERNATIONAL, INC., MICHAEL  
BEELER, MARK BORGHI, RICHARD  
HANANIA, JAMES D. MILLER, JOSIAH  
NEELEY, GRANT SCHNEIDER, and WES  
SHEPHERD,

Plaintiffs,  
v.

COMMODITY FUTURES TRADING  
COMMISSION,

Defendant.

Case No. 1:22-cv-00909

The Honorable David Alan Ezra

**JOINT STATUS REPORT REGARDING PLAINTIFFS' FILING OF A SECOND  
AMENDED COMPLAINT**

The parties file this joint status report regarding the procedure the parties are following with regard to Plaintiffs' intended Second Amended Complaint for Declaratory and Injunctive Relief.

In accordance with the parties' agreed joint scheduling recommendations pending before the Court (ECF No. 47), the Plaintiffs are prepared to file their Second Amended Complaint today, November 1, 2023.

The Plaintiffs conferred with the Defendant regarding its position on Plaintiffs' motion for leave to file the Second Amended Complaint. The Defendant indicated its desire to review the Second Amended Complaint before either consenting to the Second Amended Complaint (which would obviate the need for a motion for leave) or opposing leave to amend. *See Fed. R. Civ. P.*

15(a). The Defendant has agreed to provide its consent or notice that a motion for leave to amend will be necessary by November 8, 2023.

Once the Defendant provides its position, the Plaintiffs will either file the Second Amended Complaint with the Defendant's written consent or file an opposed motion for leave to amend.

Respectfully submitted,

/s/ Michael J. Edney

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 1, 2023, a copy of the foregoing was filed electronically and was served on counsel of record through the Court's electronic case filing/case management (ECF/CM) system.

/s/ Michael J. Edney

Michael J. Edney